



HIGH COURT OF CHHATTISGARH AT BILASPUR

26

Writ Petition No. 2250 of 2005

Petitioner

Ishwar Prasad Kashyap, S/o. Shri Kashi Ram Kashyap, Aged about 65 years, House No. 5, Vivekanand Ward, Nawagaon, (Vill. & Post) Katghora Tahsil, Korba Dist. C.G. State.

Respondents

Versus

1. State of Chhattisgarh Through Secretary, Education Department, Government of Chhattisgarh, DKS Bhawan, Raipur.
2. Director, Education, Govt. of C.G. Raipur C.G. State.
3. Jt. Director, Treasury Accounts & Pension, Bilaspur Division, Bilaspur C.G. State.

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION**

SB : Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. G.S. Agrawal, Senior Advocate with Mr. A.K. Bhardwaj,
Advocate for the petitioner.
Mr. V.V.S. Murthy, Deputy Advocate General with Mr. Sushil
Dubey, Govt. Advocate for the respondents

ORDER

(Passed on this 7th day of May, 2007).

1. Mr. G.S. Agrawal, learned Senior counsel with Mr. A.K. Bhardwaj, learned counsel appearing for the petitioner as well as Mr. V.V.S. Murthy, learned Deputy Advocate General with Mr. Sushil Dubey, learned Govt. Advocate jointly submit that the facts and question of law involved in the present writ petition are the same to that of in W.P. No. 4432/1996 (Vidya Shankar Tiwari Vs. State of M.P. (Now State of Chhattisgarh) and others) 2006 (2) M.P.H.T. 31 (CG), which has been allowed vide order dated 23.12.2005.

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2. In view of the above stated submission made by learned counsel appearing for the parties, the writ petition is allowed in the same terms. The impugned orders Annexure P/1, Annexure P/2 and Annexure P/3 are quashed and the respondents are directed to refund the amount, if any, recovered pursuant to the orders Annexure P/1, Annexure P/2 and Annexure P/3 from the petitioner. This order shall not come in the way of the respondents/authorities to take any action, if so advised, against the officer who are responsible for making payments, if any, to the petitioner concerned. No order as to costs.

B/-

Sd/-
Satish K. Agnihotri
Judge